

The House Committee on Regulated Industries offers the following substitute to HB 213:

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to the Georgia State Board of Pharmacy, so as to revise the powers, duties, and authority of the Georgia State Board of Pharmacy; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 2 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to the Georgia State Board of Pharmacy, is amended by revising paragraphs (19) and (20) of subsection (a) of Code Section 26-4-28, relating to the powers, duties, and authority of the Georgia State Board of Pharmacy, as follows:

"(19) Restricting the inspection or examination of records or access to any area licensed and under the control of any registrant, which has been issued a permit by the board, to members of the board, agents for the Georgia Drugs and Narcotics Agency, the United States Drug Enforcement Administration, the Georgia Department of Medical Assistance Community Health, or other federal agencies or agencies of this state otherwise entitled to such inspections or examinations by law, subpoena, or court order. This paragraph specifically prohibits inspections, gathering of information, or examinations of board registrants or any requirement by third-party insurance companies, pharmacy benefit management companies, or other such companies which forces or requires board registrants to allow ~~inspection or examination~~, inspections, gathering of information, or examinations, or ~~both any combination thereof~~, of their records by representatives for any nongovernment affiliated, private organization for any purpose, other than audits conducted by third-party insurance companies, pharmacy benefit management companies, or other such companies, since the access of any patient prescription or medical records and history is restricted by this chapter and access by such private organizations is unnecessary for any other purpose in that this access only duplicates

existing record-keeping and inspection requirements already addressed and required by the laws and regulations of the board and other government organizations. This restriction shall also prohibit a private, nongovernment affiliated organization from examining, requiring the copying of, or copying continuing education certificates maintained by individual registrants. Nothing in this paragraph shall prohibit the pharmacist in charge of a board licensed hospital, home health care pharmacy, or specialty pharmacy from voluntarily allowing appropriate agencies and organizations to inspect or examine the records and pharmacy area under the control of the pharmacist in charge provided such inspections or examinations are for the purposes of ensuring the quality of care provided to patients and approved in writing by the board. Only a pharmacist registered by this state and maintaining an active license in good standing and acting under the authority of the board is eligible to conduct accreditation inspections of pharmacies located within this state;

(20) The requiring of background checks, including, but not limited to, criminal history record checks, and drug screens on any persons or firms applying for or holding licensure or registration pursuant to this chapter; and"

## **SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.